

Application No. : 09/981,541
Applicant : HAYASHI, Kaneyoshi
5 Filed : October 15, 2001
Art Unit : 1711
Examiner : RAJGURU, Umakant K.

Confirmation No. 6752

Docket No. : SHO 1005-01US
10 Customer No. : 28327
Date: : September 30, 2004

Mail Stop: 16
15 Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND AND
20 ESTABLISHMENT OF SMALL ENTITY STATUS

Dear Sir:

1. REFUND REQUEST

25 This is a request for a refund in the amount of \$420 for the above-identified application ("the '541 application").

2. FEES CHARGED FOR WHICH REFUND IS REQUESTED

30 On July 14, 2004, attorney deposit account 501809 was charged \$420 for a large-entity, two-month extension of time in the '541 application. This extension was required for the filing of a Supplemental After Final Response, dated July 2, 2004, and was authorized by the Supplemental After Final Response. Appended to this Request For Refund is a copy of the monthly deposit account statement listing the \$420 charge.

35 On August 11, 2004, a Petition for Extension of Time asserting small entity status and a check in the amount of \$475 were submitted for a small-entity, three-

month extension of time in the '541 application. The Petition for Extension of Time was submitted for the filing of a Continuation Application. Only an additional extension from two to three months was required. Nevertheless, the request and check were mistakenly made presuming a full three month extension was required.

5 Appended to this Request For Refund is a copy of the Petition for Extension of Time, and a copy of the check in the amount of \$475.

10 The applicant was a small entity on July 2, 2004, and has continued to be one throughout the relevant time period. As a result of these two payments, the applicant has paid \$895 for a three month extension, despite the applicant being a small entity.

15 Because the applicant was a small entity on July 2, 2004, the applicant requests that \$210 (half the fee) of the \$420 fee be refunded. Additionally, because the applicant had already paid for a two month extension on August 11, 2004, the applicant requests that \$210 (the fee for the first two month extension) of the \$475 be refunded. As of a result of these two refunds, which total \$420, applicant will still have paid a total of \$475 for a three-month extension, which is correct for a small entity.

20 3. TIMING OF REQUEST

Under C.F.R. 1.28(a), Applicants may request refunds based upon later establishment of small entity status if both the refund request, and the establishment of small entity status, are filed within three months of the date of the timely payment of the full fee. The initial payment of \$420 was made on July 14, 2004, based on a submission mailed July 2, 2004. The present Request for Refund asserts small entity status throughout the time in question, and is made within three months of the earliest date in question.

4. REMARKS

Because the applicant filed a proper claim of small entity status within the three month date of timely payment of the full fee (payment made by deduction from the PTO deposit account on July 14, 2004), the applicant is entitled to a refund of the \$210 difference between the small and large entity fees.

Because the applicant paid twice for the first two months of the three month extension, (i.e., first on July 14, 2004, and then on August 11, 2004) the applicant is entitled to a refund of another \$210, the amount paid twice.

Therefore, the applicant requests a total refund in the amount of \$420, the sum of the two refunds to which the applicant is entitled.

5. MANNER OF REFUND

The applicant respectfully requests a refund of \$420.00 be credited to Deposit Account No. 501809, the deposit account associated with this matter.

6. REQUEST FOR TELEPHONIC INTERVIEW

If this petition appears in any way deficient, or if it does not appear that the applicant is entitled to the full refund requested, the applicant requests a telephonic interview with the person deciding this petition.

BEST AVAILABLE COPY

Appl. No. 09/981,541
Request for Refund, dated September 30, 2004

Thank you for your assistance. Please feel free to call me if you have any questions regarding this request.

Respectfully submitted,

By: 

John A. Griecci

Registration No. 39,694

The Law Office of John A. Griecci
703 Pier Ave., #B657
Hermosa Beach, CA 90254
(310) 376-6527

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MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

LAW OFFICE OF JOHN A GRIECCI
ACCOUNTING
703 PIER AVENUE
SUITE B #657
HERMOSA BEACH CA 90254

FINA

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

Account No.	501809
Date	7-30-04
Page	1

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DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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7	8	04	2	10049105		8021	40.00	2172.00
7	8	04	4	10142439	SH01010-01US	1251	110.00	2062.00
7	9	04	2	10142439	SH01010-01US	1202	18.00	2044.00
7	14	04	3	09981541	SH01005-01US	1252	420.00	1624.00

(B)

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AN AMOUNT SUFFICIENT TO
COVER ALL SERVICES REQUESTED
MUST ALWAYS BE ON DEPOSIT

OPENING BALANCE

TOTAL CHARGES

TOTAL CREDITS

CLOSING BALANCE

2172.00

538.00

0.00

1624.00



PTO/SB/22 (08-03)
Approved for use through 7/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

APPLICATION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)	SHO 1005-01US
In re Application of		HAYASHI	
Application Number	09/981,541	Filed	October 15, 2001
For		RUBBER COMPOSITION	
Art Unit	1711	Examiner	RAJGURU, Umakant K.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entire fee are as follows (check time period desired):

- | | |
|--|-------------|
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$ 110.00 |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$ 420.00 |
| <input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$ 950.00 |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$ 1,480.00 |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$ 2,010.00 |

COPY

- ☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 475
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1809

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 39,694

☐ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) 39,694

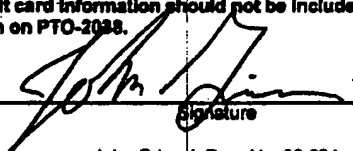
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

August 11, 2004

Date

(310) 376-8527

Telephone Number



John Grieco, Reg. No. 39,694

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

08/13/2004 HDWESS1 00000032 09981541

01 FC12253

475.00 DP

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JOHN A. GILBERT
2201 E. UNION ST., SUITE D, PMS 344
DENVER, CO 80202

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18-274282
1220

3261

8/11/2004

PAY TO THE ORDER OF Director of the United States Patent and Trademark Office

\$**475.00

Four Hundred Seventy-Five and 00/100***** DOLLARS

FOR

SHO1005-01US Extension Fee

#003261#

#122000247# 2012348975#

John Gilbert


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~~2027 OCT -5 PM 1:05~~

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

CERTIFICATE OF TRANSMISSION/MAILING

Typed or printed name	John Grieco			
Signature			Date	September 30, 2004

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JUL 02 2004

Confirmation No. 6752.

5 Application No. : 09/981,541
 Applicant : HAYASHI, Kameyoshi
 Filed : October 15, 2001
 Art Unit : 1711
 Examiner : RAJGURU, Umakant K.

OFFICIAL

10 Docket No. : SHO 1005-01US
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 Date: : July 2, 2004

15 Mail Stop AP
 Honorable Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

SUPPLEMENTAL AFTER FINAL RESPONSE

20

Sir:

In addition to the After Final response filed May 11, 2004 to the Office Action of February 11, 2004 ("the Office Action"), please enter and consider the following
25 supplemental remarks in the above-identified application as follows:

Remarks begin on page 2 of this paper.

Adjustment date: 11/03/2004 SDIRETA1
07/14/2004 ASELLMAN 00000003 501809 09981541
01 FC:1252 420.00 CR

07/14/2004 ASELLMAN 00000003 501809 09981541
01 FC:1252 420.00 DA

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04-07-02

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PAGE 38 * RCVD AT 7/2/2004 8:34:42 PM (Eastern Daylight Time) * SVR:USPTO-EFAXF-1H * DNS:8729311 * CSID:310 376 6529 * DURATION (mm-ss):01:56